



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 2403105

**Applicant Name:** Brittani Ard

**Address of Proposal:** 8426 5<sup>th</sup> Avenue Southwest

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide four parcels into five parcels of land. Proposed parcel sizes are: A) 7,042 sq. ft., B) 7,038 sq. ft., C) 7,268 sq. ft., D) 7,270 sq. ft. and E) 7,365 sq. ft. Existing single family structure to remain.

The following approvals are required:

**Short Subdivision** - to subdivide four existing parcels into five parcels.  
(Chapter 23.24, Seattle Municipal Code).

**SEPA Threshold Determination** (Chapter 25.05 SMC)

**SEPA DETERMINATION:** ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

## **BACKGROUND DATA**

### **Site & Area Description**

The subject site fronts on 5<sup>th</sup> Avenue Southwest, located between Southwest Thistle Street and Southwest Cloverdale Street. The three existing parcels total an area of approximately 35,983 square feet. The site is located in a Single Family 7200 (SF 7200) zone. The site is square in shape with a moderate slope going down from west to east. Currently one single-family structure occupies the development site (proposed Parcel B). Surface parking is currently accessed off of 5<sup>th</sup> Avenue Southwest. The site is vegetated with grass, shrubs and approximately 35 trees. According to GIS maps, the site is mapped as a 40% steep slope, which is a City of Seattle Environmental Critical Area (ECA).

A limited Environmental Critical Area exemption was granted for this site under project# 2400017. The exemption is based on the fact that the 'steep slopes' at the site are not more than 20 feet in height, are not part of a larger steep slope system, and have been created through previous, legal grading activities. In this respect, the ECA Steep Slope Development Standards are waived. A geotechnical report has been submitted to demonstrate that the site can be safely developed without adverse impacts resulting from this exemption. The ECA Submittal, General, and Landslide-Hazard, and other applicable development standards still apply for future development of the site.

Fifth Avenue Southwest is a two-lane paved street. Zoning in the vicinity is Single Family 7200 (SF 7200). Development in the area consists of single family residences.

### **Proposal**

The proposal is to subdivide four parcels of land into five (5) parcels. Proposed parcel sizes are indicated in the summary above. Proposed parcels will obtain vehicular access off of 5<sup>th</sup> Avenue Southwest via the existing driveway over a proposed 20-foot wide easement.

### **Public Comment:**

Date of Notice of Application : June 17, 2004

Date End of Comment Period: June 30, 2004

# Comment Letters 0

Issues:

## **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. The subject property is zoned for single-family residential with a minimum lot size of 7,200 square feet. However, the code does provide an exception to this commonly called the 75/80 rule, located in SMC 23.44.010 B. It states that newly created lots shall be at least 75% of the minimum lot size required by the zone (=5,400 sq. ft.) and at least 80% of the average lot size located on the block face. The applicant has provided these calculations and demonstrated that the new lots will meet this exception. The allowed use in a single family zone is one dwelling unit per lot. Maximum lot coverage is 35%. Front yards are an average of the neighboring adjacent lots, or twenty (20) feet, whichever is less. The minimum side yard setback is five (5) feet. Minimum rear yard setback is twenty-five (25) feet or 20 percent of the lot depth whichever is less. The lots created by this proposed division of land will conform to all development standards of the SF 7200 zoning district. The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.
2. The proposed lots will have vehicular access to 5<sup>th</sup> Avenue Southwest, consistent with the provisions of the Code. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement to provide for electrical facilities and service to the proposed lots. The easement identified in the Seattle City Light memorandum, dated July 8, 2004 and "Exhibit A to the City of Seattle Short

Subdivision Number 2403105” shall be included on the final plat prior to recording. Thus, this short plat provides for adequate access for vehicles, utilities, and fire protection.

3. This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The Short Plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate (04-0902) was issued on June 17, 2004.

*Sanitary Sewer:* The existing single family residence located upon the proposed short plat is connected by means of a single sidesewer to an 8-inch public sanitary sewer (PSS) located in a 10-foot easement paralleling the easterly property line.

*Drainage:* There is an 8-inch culvert on the far side of 5<sup>th</sup> Avenue Southwest, which discharges into an intermittent ditch and culvert as part of the “informal drainage system”.

4. The proposed short subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The public use and interest will be served with this proposal because additional opportunities for housing would be provided within the City limits as a result of this subdivision. Address signage shall be posted such that addresses are visible from 5<sup>th</sup> Avenue Southwest. An easement or covenant shall be recorded with the final plat to ensure that the address signage is maintained. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.
5. Limited portions of the proposed subdivision are located in an environmentally critical area (Steep Slope Area). A limited Environmental Critical Area exemption was granted for this site under project# 2400017. The exemption is based on the fact that the ‘steep slopes’ at the site are not more than 20 feet in height, are not part of a larger steep slope system, and have been created through previous, legal grading activities. In this respect, the ECA Steep Slope Development Standards are waived. A geotechnical report has been submitted to demonstrate that the site can be safely developed without adverse impacts resulting from this exemption. The ECA Submittal, General, and Landslide-Hazard, and other applicable development standards still apply for future development of the site.
6. There are eight (35) trees located on the site. None of the existing trees are considered exceptional. Approximately 11 of those trees will likely be removed for construction. Future construction will be subject to the provisions of SMC 23.44.008 which sets forth tree planting requirements on single family lots.
7. This Short subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat proposal.

## **DECISION - SHORT SUBDIVISION**

The proposed short plat is **CONDITIONALLY GRANTED**.

## **SEPA DETERMINATION**

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated May 28, 2004. The information in the checklist, a Geotechnical Report prepared by GeoTech Consultants, Inc., dated March 1, 2004 and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. Note that pursuant to SMC 25.05.908.B, the scope of the environmental review of the subject short subdivision is limited to:

1. Documenting whether the proposal is consistent with The City of Seattle Regulations for Environmentally Critical Areas, SMC Chapter 25.09; and
2. Evaluating potentially significant impacts on the environmentally critical area resources not adequately addressed in The City of Seattle Environmentally Critical Areas Policies or the requirements of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, including in additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

The undersigned planner has analyzed the environmental checklist submitted by the project applicant; reviewed the project plans and the additional information in the file; and any comments which may have been received regarding this proposed action have been considered.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

## **DECISION**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

**CONDITIONS - SEPA**

None.

**CONDITIONS - SHORT SUBDIVISION**

*Prior to Recording*

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. The easement identified in the Seattle City Light memorandum, dated July 8, 2004 and "Exhibit A to the City of Seattle Short Subdivision Number 2403105" shall be included on the final plat prior to recording.
4. Provide an easement or covenant with the final plat to ensure that address signage is provided and maintained in a location visible from 5<sup>th</sup> Avenue Southwest.

*After Recording and Prior to Issuance of a Building Permits*

4. A copy of the recorded short subdivision shall be attached to all building permit sets of plans for future construction on the proposed parcels.

Signature: (signature on file) Date: January 10, 2005  
Bryan C. Stevens, Land Use Planner